United Nations A/57/64

General Assembly

Distr.: General
15 April 2002

Original: English

Fifty-seventh session
Item 102 of the preliminary list*
Crime prevention and criminal justice

Letter dated 10 April 2002 from the Permanent Representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

As you may be aware, Australia and Indonesia jointly hosted a major conference held in Bali, Indonesia, from 26 to 28 February 2002 to consider the issue of people smuggling, trafficking in persons and related transnational crime.

Attached is the text of a letter from the Co-Chairs of the conference, the Minister for Foreign Affairs of Australia, Mr. Alexander Downer, and the Minister for Foreign Affairs of Indonesia, Dr. Hassan Wirajuda (see annex I).

Also attached is a statement issued by the Co-Chairs summarizing the key outcomes of the conference (see annex II). We request that the present letter and its annexes be circulated as a document of the General Assembly.

(*Signed*) John **Dauth**
Permanent Representative of Australia
to the United Nations

(*Signed*) Makmur **Widodo**
Permanent Representative of the Republic of Indonesia
to the United Nations

* A/57/50.

02-33492 (E) 240402

BEST COPY AVAILABLE

Annex I

Letter from the Co-Chairs of the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime

People smuggling and trafficking in persons are international problems facing many countries, including those in the Asia-Pacific region. Criminal networks responsible for these activities are eroding states' capacity to protect their borders and inflict social and economic costs on countries in which they are active.

In order to develop cooperative measures within the Asia-Pacific region to respond to the threats posed by these criminal activities, the Governments of Indonesia and Australia co-hosted in Bali, Indonesia, from 26-28 February, the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Thirty-eight ministers or ministerial-level representatives representing thirty-six countries from the Asia-Pacific region reaffirmed at the regional conference the region's common purpose and shared interest in combating people smuggling and trafficking. They joined Indonesia and Australia in agreeing that the region needed to work cooperatively to prevent, intercept and disrupt people smuggling and trafficking activities.

As Co-Chairs of the regional conference, we issued on behalf of all participants a Co-Chairs' statement that reaffirmed the commitment of participants to address people smuggling and trafficking issues. We have attached to this letter a copy of the Co-Chairs' statement for your information. We request that the statement be circulated as an official document of the United Nations under the relevant agenda item of the 56th session of the General Assembly.

Participants agreed on action that will promote collaboration in practical fields such as law-enforcement, border management and return arrangements to combat people smuggling and trafficking. The regional conference established two experts' groups that will promote practical regional cooperation and report to a follow-up ministerial meeting in twelve months time. We see the outcomes of the regional conference as a new phase in regional cooperation to combat these criminal activities.

BEST COPY AVAILABLE

We consider that the regional conference's follow-up activities will be a valuable regional contribution to what is ultimately an international problem. We will seek to ensure that the region's efforts build on and complement existing international efforts to address these difficult issues.

Please be assured that the Governments of Indonesia and Australia, in implementing the regional conference's outcomes and follow-up activities, are committed to working cooperatively with the United Nations, its specialised agencies and the international community to develop a coherent and effective approach towards combating people smuggling and trafficking.

(*Signed*) Alexander Downer
Minister for Foreign Affairs
Australia

(*Signed*) N. Hassan Wirajuda
Minister for Foreign Affairs
Republic of Indonesia

Annex II

Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime

Bali, Indonesia
26-28 February 2002

Statement of the Co-Chairs

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to co-chair the Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia, 26-28 February, attended by Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Fiji, France, India, Islamic Republic of Iran, Japan, Jordan, Kiribati, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, Turkey, UNTAET/East Timor, Vanuatu and Viet Nam, as well as the Director-General of the International Organization for Migration and the Assistant United Nations High Commissioner for Refugees.

2. Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and the United States of America, the Association of South-East Asian Nations Secretariat, the Pacific Islands Forum Secretariat, European Union, UNDP, World Bank, Asian Development Bank, IGC, INTERPOL, International Committee of Red Cross, International Federation of Red Cross, International Labour Organization, United Nations Office of Drug Control and Crime Prevention attended as observers.

3. Ministers acknowledged the human rights dimensions of the problems of people smuggling and trafficking in persons, particularly women and children, and underlined that illegal movements were growing in scale and complexity worldwide, including in the Asia Pacific Region.

4. Ministers shared the view that these flows were creating significant political, economic, social and security challenges, and that journeys were undertaken without respect for either national sovereignty or borders.

5. Ministers noted with concern that many of the smuggling and trafficking activities were being orchestrated by criminal networks that were also involved in the trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes. They expressed deep concern about possible links between terrorist elements and

people smuggling and trafficking operations and that these activities were now rivalling narcotics in profitability.

6. Ministers were concerned that people smugglers and traffickers in persons could undermine the rule of law in States in which they were active and undermine the integrity of institutional frameworks that were an essential basis for sustainable development.

7. Ministers underlined that people smuggling and trafficking in persons were reprehensible criminal activities that fed on the hopes and aspirations of people and frequently infringed basic human rights and freedoms. They were lucrative activities, involved little risk for the smugglers or traffickers, but which endangered peoples' lives.

8. Ministers recognized that the increase in all forms of illegal migration, including overstayers and those who sought to bypass regular migration channels without resorting to smuggling networks, posed a threat to the management of countries' regular migration programs and eroded States' capacity to protect their borders, regulate migration and safeguard their citizens.

9. Ministers expressed the view that States should, within the framework of their international obligations and domestic laws, provide appropriate protection and assistance to the victims of traffickers of people, particularly women and children.

10. Ministers affirmed that the root causes of people smuggling and trafficking in persons were numerous and multi-dimensional, involving economic, social and political aspects. They reaffirmed that poverty, economic disparities, labour market opportunities and conflict were major causes contributing to the global increase in people smuggling and trafficking in persons. Ministers recognised that these problems should be addressed cooperatively and comprehensively.

11. Ministers emphasised that it was very difficult for any individual State to counter people smuggling and trafficking in persons effectively without the support of other States. Ministers underscored that there was a strong shared regional interest and common purpose in cooperating to combat these criminal activities. They expressed their firm political commitment to build on existing agreements and efforts and strengthen States' capacity to respond, collectively and individually, to the threats posed by people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime.

12. Ministers stressed that while people smuggling, trafficking in persons and other forms of illegal migration were global problems involving source, transit and destination countries, which required comprehensive international action, the Asia-Pacific region could make an effective and important contribution to combating these criminal activities. Ministers urged all regional countries to cooperate in combating people smuggling and trafficking in persons.

13. Ministers acknowledged the regional efforts undertaken so far to combat the activities of networks engaged in people smuggling and trafficking in persons.

14. They noted the relevance of the Bangkok Declaration on Irregular Migration and other similar policy statements, as well as the variety of regional institutions and processes that exist in the parts of the world represented by participating governments. They welcomed the ongoing work of the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants, and the existing ASEAN mechanisms in combating people smuggling, trafficking in persons and related transnational crime.

15. Ministers noted that the United Nations Convention Against Transnational Organised Crimes and the Protocols thereto were international instruments for preventing, criminalising and combating people smuggling and trafficking in persons. Ministers agreed that individual countries should consider the benefits of signing and ratifying the Convention and its Protocols.

16. Ministers underlined their strong commitment to developing practical cooperative measures to prevent, intercept and disrupt people smuggling, trafficking in persons and other forms of illegal migration.

17. Ministers agreed that, subject to domestic laws and according to their respective national circumstances, they would work towards:

- Developing more effective information and intelligence sharing arrangements within the region to obtain a more complete picture of smuggling and trafficking activities and other forms of illegal migration.
- Improving the cooperation of law-enforcement agencies to enhance deterrence and to fight against illegal immigration networks.
- Enhancing cooperation on border and visa systems to improve the detection and prevention of illegal movement.
- Increasing public awareness of the facts of smuggling and trafficking operations to discourage those considering illegal movement and to warn those susceptible to trafficking, including women and children.- enhancing the effectiveness of return as a strategy to deter illegal migration through the conclusion of appropriate arrangements.
- Cooperating in verifying the identity and nationality of illegal migrants, in a timely manner.

18. Ministers agreed that an important strategy to deter and prevent these activities would be to adopt and strengthen legislation, as appropriate, that specifically criminalises people smuggling and trafficking in persons.

19. Ministers agreed that cooperation should be based on an acknowledgment that each State had a sovereign right and legitimate interest to develop and implement its own laws to address people smuggling and trafficking in persons, reflecting the non-binding nature of the Co-Chairs' Statement.

20. Ministers acknowledged that illegal migrants potentially were both offenders of laws and victims. Ministers deplored the inhumane practices of smugglers and traffickers and their lack of regard for human suffering.

21. Ministers urged the international community to assist source countries to address the root causes of the illegal movement of people by providing emergency aid, development assistance, direct support programs for displaced persons and to address the plight of refugees. They agreed on the need for international support for capacity building programs to achieve sustained economic growth and sustainable development and for assistance to countries with large refugee populations. Ministers emphasised that consideration should also be given to encouraging more opportunities for legal channels of migration including access to the international labour market.

22. Ministers agreed that the region should improve its technical capacity to respond to the challenges posed by people smuggling, trafficking in persons, including women and children, and other forms of illegal migration. Ministers reaffirmed commitment to exploring cooperative measures to strengthen technical capacity among countries in the region to enable them to develop more effective legal structures and policy measures to combat this problem .

23. Ministers agreed to establish a follow-up mechanism involving ad hoc meetings of experts, with the voluntary participation of officials from respective countries, to take concrete steps to implement the recommendations of the Regional Conference, and coordinate action that the region could undertake to combat people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime. Ministers appreciated the offer of IOM and UNHCR to assist in the follow-up mechanism, according to their respective fields of competence.

24. The results from the meetings of experts will be submitted for consideration by Ministers at a subsequent meeting to be convened within one year.

25. Ministers agreed that any further follow-up required after this 12 month period would be passed on to existing regional and international mechanisms. Existing bilateral, regional and international mechanisms would, where appropriate, be utilised in following up on the recommendations adopted.

26. Ministers, while acknowledging that the Conference had not been convened to deal directly with the issue of refugees, affirmed that nothing in this statement was intended to prejudice the legitimate rights of genuine refugees to seek and enjoy asylum in accordance with relevant LTN Conventions and Protocols. They called for effective measures to be put in place to ensure that protection is provided, consistent with the international obligations of individual States, while preventing abuse by people smugglers of the relevant UN Conventions on refugee protection. Ministers noted that all countries, - including origin, transit and potential destination, should play a part in finding solutions for refugees, while providing for return in a humane manner for those found not to be refugees. In certain circumstances, for return to be sustainable, the issue of return would require international support and cooperation.

27. **Ministers reaffirmed the high value they placed on the work of UNHCR and IOM and other relevant international organisations.**

28. **Ministerial participants acknowledged with gratitude the host Government of Indonesia for the excellent arrangements that were made for the meeting.**